

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES**

In re: Ontario Specialty Contracting, Inc.

Petition No. 990927-053-018

CONSENT ORDER

WHEREAS, Ontario Specialty Contracting, Inc. of Buffalo, New York (hereinafter "respondent") has been issued license number 000306 to practice as an asbestos contractor by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 400a of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent admits that:

1. In or about the Spring and Summer of 1999, respondent was the licensed asbestos abatement contractor for an asbestos abatement project at 300 Windsor Street, Hartford, CT (hereinafter "the Windsor property"). The asbestos abatement project was performed in connection with the renovation of the south half of a one story commercial building on said property.
2. On or about June 16, 1999, a trailer of asbestos waste was stopped by a representative of the Connecticut Department of Environmental Protection (hereinafter "DEP") while traveling southbound on Interstate Route 91 in Connecticut. Water was leaking from the rear of said trailer, which contained asbestos waste generated by respondent from the abatement performed on the Windsor property. The DEP allowed the trailer to continue traveling to Prospect Refuse, Inc. in Prospect, CT (hereinafter "PRI") where it was to be unloaded and repackaged.

3. On or about June 17, 1999, respondent, in connection with the asbestos abatement project at the Windsor property:
 - a. failed to thoroughly decontaminate and clean, until free of asbestos debris, equipment, supplies and/or materials in the asbestos abatement project work area prior to removal from the work area in that asbestos debris was found by Department investigators in an exterior loading dock area and inside a van parked in a lot on the Windsor property;
 - b. failed to ensure that all asbestos containing waste was placed in leak-tight containers in that five (5) trailers containing asbestos waste on the Windsor property were leaking water onto the ground. In addition, Department investigators found asbestos debris on the floor of one of the trailers and on the ground adjacent to one of the trailers;
 - c. failed to provide negative pressure ventilation units with high efficiency particulate air filtration (hereinafter "Air Filtration Units") in sufficient number to allow at least one work place air exchange every fifteen minutes in the asbestos abatement project work area in that respondent had approximately fifty percent of the total number of required Air Filtration Units operating during a Department compliance inspection. One of respondent's workers informed Department inspectors that Air Filtration Units had been de-energized to reduce the cost of electrical usage;
 - d. failed to satisfy Connecticut's regulatory requirements pertaining to recordkeeping by failing to record a log of control of access to the asbestos abatement project work area;
 - e. failed to ensure that no asbestos contaminated materials enter the clean room of the worker decontamination system in that Department inspectors observed visible residue on work boots and hoses stored in the clean room;
 - f. failed to ensure that all asbestos containing waste containers were labeled appropriately with generator information; and

- g. failed to ensure that duct material removed from the work area was properly packaged for disposal as asbestos waste in that sections of duct contaminated with asbestos debris were found in the back of one of two trailers which had been removed to PRI from the Windsor property. Said trailer was subsequently returned to the Windsor property and properly packaged as asbestos waste.
4. Subsequently, respondent voluntarily agreed to retain an abatement project designer, certified and practicing in the State of Connecticut, to prepare a procedure to clean and repackage the waste in the five leaking trailers on the Windsor property and to clean the van and the visible contamination on the parking lot surface. On or about September 1, 1999, the abatement project designer hired by respondent issued a report, including air sample results, indicating that the decontamination of the waste trailers, the van and the parking lot surface was completed in accordance with applicable state and federal regulations.
5. The above described facts constitute grounds for disciplinary action pursuant to Chapter 400a and §§19a-332 and 19a-332a(b) of the General Statutes of Connecticut, taken in conjunction with the Regulations, Connecticut State Agencies §§19a-332a-1, 19a-332a-2, 19a-332a-4(b), 19a-332a-5(d), 19a-332a-5(h), 19a-332a-5(j), 19a-332a-5(k), 19a-332a-6(b), 19a-332a-7(d), 20-440-1, and 20-440-6(b).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and agrees that for purposes of this or any future proceedings before the Department, this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-17 and Chapter 400a of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and Chapter 400a of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives its right to a hearing on the merits of this matter.
2. Respondent shall pay a civil penalty of fifteen thousand dollars (\$15,000.00) in accordance with the payment schedule identified in the table below. Respondent shall make each payment by certified or cashier's check payable to "Treasurer, State of Connecticut." Each check shall reference the Petition Number on the face of the check, and shall be payable on or before the time specified in the table below.

<u>Installment No.</u>	<u>Amount Due</u>	<u>Date Due</u>
No. 1	\$5,000.00	At the time respondent submits the executed Consent Order to the Department.
No. 2	\$5,000.00	April 25, 2000
No. 3	\$5,000.00	May 25, 2000

3. Respondent's license number 000306 shall be placed on probation until such time as it pays in full the civil penalty provided for in paragraph 2 above.
4. All correspondence and reports are to be addressed to:

Ronald Skomro, Supervising Environmental Sanitarian
Department of Public Health
Indoor Air Program
410 Capitol Avenue, MS #51AIR
P.O. Box 340308
Hartford, CT 06134-0308

5. Respondent shall comply with all state and federal statutes and regulations applicable to its licensure.
6. Respondent shall pay all costs necessary to comply with this Consent Order.
7. Any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department:

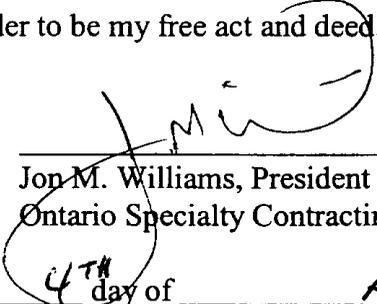
- a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.
 - b. Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.
 - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 7a above to demonstrate to the satisfaction of the Department that it has complied with the terms of this Consent Order or, in the alternative, that it has cured the violation in question.
 - d. If respondent does not demonstrate compliance or cure the violation by the limited fifteen (15) day date certain contained in the notification of violation to the satisfaction of the Department, it shall be entitled to a hearing before the Department which shall make a final determination of the disciplinary action to be taken.
 - e. Evidence presented to the Department by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.
8. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of its license before the Department.
 9. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department.
 10. This Consent Order is effective on the date this Consent Order is accepted and ordered by the Department.

11. Respondent understands this Consent Order may be considered as a public document and evidence of the above admitted violations in any proceeding before the Department in which its compliance with this Consent Order or with Chapter 400a or with §19a-332a of the General Statutes of Connecticut, as amended, is at issue.
12. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
13. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that it may have under the laws of the State of Connecticut or of the United States.
14. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
15. Respondent permits a representative of the Legal Office of the Bureau of Regulatory Services to present this Consent Order and the factual basis for this Consent Order to the Department. Respondent understands that the Department has complete and final discretion as to whether this executed Consent Order is approved or accepted.
16. Respondent has the right to consult with an attorney prior to signing this document.

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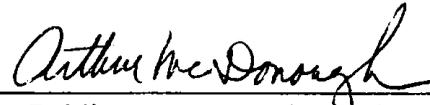
I, Jon M. Williams, President of Ontario Specialty Contracting, Inc., have read the above Consent Order, and I affirm that I am fully authorized and empowered to bind said company. I hereby stipulate and agree to bind Ontario Specialty Contracting, Inc. to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.



Jon M. Williams, President
Ontario Specialty Contracting, Inc.

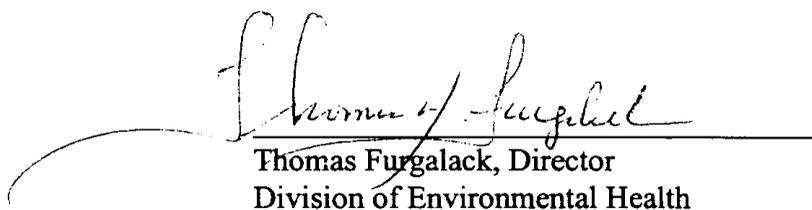
Subscribed and sworn to before me this 4TH day of APRIL 2000.

ARTHUR B. McDONOUGH
Notary Public, State of New York
Qualified in Erie County Reg. No. 4734801
My Commission Expires 1/30 2001



Notary Public or person authorized
by law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 10th day of April 2000, it is hereby accepted.



Thomas Furgalack, Director
Division of Environmental Health